

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL J. PENDLETON, :
Petitioner, :
v. : Case No. 3:02-cv-168-KRG-KAP
RAYMOND J. SOBINA, WARDEN, :
S.C.I. SOMERSET, :
Respondent :

MEMORANDUM ORDER

Petitioner's Motion for Relief from Judgment, docket no. 15, was referred to Magistrate Judge Keith A. Pesto in accordance with 28 U.S.C. § 636(c) and Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on July 18, 2011, docket no. 25, recommending that the motion be denied. The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to serve and file written objections to the Report and Recommendation. Petitioner filed timely objections, docket no. 26, that are without merit.

Upon de novo review of the record, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 1st day of September 2011, it is

ORDERED that the Motion for Relief from Judgment, docket no. 15, is denied. No certificate of appealability shall issue.

BY THE COURT:



KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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